THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26468 OF 2005

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Dated: 12-12-2005

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Between

N. Namdev, S/o. Ganapthi Rao, Damaragidda Village, Kangti Mandal, Medak District.

...PETITIONER

AND

The Collector (CS), Sangareddy, Medak District and others.

...RESPODNENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the order in Case No.CSA/20/A/2005 dated 10.11.2005 passed by the first respondent in setting aside the order passed by the second respondent dated 08.07.2004 as illegal and arbitrary.

Learned counsel for the petitioner submits that petitioner was appointed as a Fair Price Shop Dealer of Damaragidda Village, Medak District on regular basis by order of the second respondent dated 08.07.2004 and since then he has been distributing the essential commodities without any complaint whatsoever. Aggrieved by the said appointment, the fourth respondent filed an appeal before the Collector and the appellate authority by order dated 10.11.2005 set aside the appointment of the petitioner on the ground that the notification itself is contrary to the guidelines issued in G.O.Ms.No.53 dated 06.10.2003 as the notification has not specifically mentioned for which category the said shop has been reserved.

As per the guidelines issued certain shops ought to be notified in open category and certain shops in favour of SCs/STs/BCs and Physically Handicapped. As the notification itself is contrary to the said G.O., the first respondent rightly set aside the appointment made in favour of the petitioner pursuant to the notification.

Having regard to the facts and circumstances of the case, this Court is of the opinion that there is no infirmity legal or otherwise in the order of the first respondent and however as per the order of the appellate authority it is for the second respondent to issue a fresh notification as per the said G.O. in accordance with law for the appointment of permanent dealer in respect of the said shop and till then the petitioner may be permitted to distribute the essential commodities.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 12, 2005

DSK